

**NPDES Stormwater
Technical Advisory Committee (TAC)
REPORT OF MEETING**

TUESDAY, MAY 17, 2011

10:00 AM to Noon

CITY OF MILLBRAE

1. INTRODUCTIONS, ANNOUNCEMENTS, ADOPTION OF MINUTES, & AGENDA REVISIONS

Self-introductions were made, and the April TAC meeting minutes were adopted as written. Matt noted that we would be recommending the C/CAG Board waive the normal RFP requirements for the PIP technical assistance contract due to concerns about providing uninterrupted service and ensuring there are not any gaps in compliance for the Countywide Program's member agencies.

2. ACTION ITEMS:

A. Approval of Countywide Program's Budget for FY 2011/12.

Agreed Action: Cynthia Royer moved to adopt the Countywide Program's budget, Dermot Casey seconded the motion, and it was adopted by consensus.

Changes Since April Version of Countywide Program Budget: Copies of the April and updated May versions of the budgets were distributed. Matt reviewed the relatively minor changes in the proposed public information and participation (PIP) budget that were discussed and agreed to by the PIP Subcommittee at its meeting the previous week. More work could be redirected to the vehicle license fee program than anticipated last month. In addition, some of the current PIP work, such as the tip card for vehicle washing and the high school vehicle training, would be charged to the vehicle license fees.

One suggestion received is to have a dedicated fund for legal assistance. This fund could accumulate whatever funds were unspent each fiscal year to deal with anticipated expenses supporting the unfunded mandate test claims or possible future permit appeals. C/CAG's accounting system does not have a roll over mechanism, so the easiest solution would be to roll over the funds manually. Eventually the TAC would need to decide on how large of a legal support reserve to maintain. Suggestions for the amount of funds that should be allowed to accumulate ranged from \$500,000 to \$1 million.

It is also proposed that funds for holding a Proposition 218 election be rolled over for use whenever it is appropriate to proceed with planning and possibly holding an election. It was suggested that the budget for this task be reduced because the cost of doing a mail in ballot is inexpensive.

Long-term there will be Countywide Program budget imbalance as one-time reserve funds and the U.S. EPA Clean Watersheds for a Clean Bay grant funds are drawn down.

Possible Creation of Budget Ad Hoc Work Group: Matt raised the possibility of forming a budget ad hoc work group to provide input on the Countywide Program's annual budgets. Cynthia Royer expressed interest in participating in such a work group, and it was recommended to solicit additional participants from other subcommittees.

3. PRESENTATIONS:

A. Regional Water Board Staff's MRP Status Report – At the May Water Board meeting the Water Board staff gave an update on the status of implementing the MRP. The Water Board staff discussed its completeness reviews and its more in depth reviews of Provisions C.6 Construction Site Control and C.9 Pesticides Toxicity Control. In addition, information was provided on the following Provision C.3 products: model biotreatment soil specifications; low impact development feasibility/infeasibility criteria report; green roof minimum specifications; and special projects. The Water Board is planning on amending the municipal regional stormwater permit in the fall to incorporate these Provision C.3 products. The Water Board staff discussed how it is working with cities to resolve notices of violation that have been issued. One of the Regional Board members expressed concern with methods for estimating trash loads and loads reduced.

B. Status of Preparing Annual Report Template. Jill Bicknell from the SCVURPPP and Tom Dalziel from the CCCWP have completed some minor changes to last year's annual report template to clarify reporting issues identified in the past year. The draft annual report template will be going to

BASMAA's Board of Directors for review this month. It will then need review by the Water Board staff before being distributed for use by the municipalities.

C. NRDC vs. County of Los Angeles and County of Los Angeles Flood Control District Lawsuit.

Information about the Ninth Circuit Court of Appeals panel decision on this stormwater related lawsuit was reviewed. One of the issues the court addressed is the need for the plaintiffs to show that the municipal separate storm sewer (MS4) is a source of the pollutants contributing to an exceedance of water quality standards in a receiving water. One of the issues that was not addressed by the panel is the use of the permit's iterative process of improving best management practices if it is determined that the MS4 is causing or contributing to an exceedance of water quality standards. CASQA wrote an amicus letter requesting that the decision be reconsidered by the full Ninth Circuit Court.

D. Update on Sediment Delivery Design Due July 1 – The MRP requires that the "Permittees shall develop a design for a robust sediment deliver estimate/sediment budget in local tributaries and urban drainages" by July 1, 2011. This requirement does not have a specific date for reporting this design, and the information will be incorporated into BASMAA's portion of the annual report due by September 15. This requirement will be met by using the San Francisco Estuary Institute's spreadsheet model to estimate sediment and pollutant loading.

E. BASMAA Update – BASMAA decided for a number of reasons not to contribute funding to the Bay Area Flood Protection Agencies to support the Integrated Regional Water Management Plan. The Water Board staff will be forming an ad hoc work group with two or three business inspectors from each county to improve consistency in how violations are reported and followed up. U.S EPA has reviewed BASMAA's Special Projects report that would allow up to 100% reduction in low impact development stormwater treatment. While U.S. EPA is in general agreement, they have concerns about potential loopholes and consistency with a 50% cap in Santa Ana on the amount of LID reduction credits that a project may be eligible to receive. Geoff Brosseau will follow up with the State Water Board staff to continue to oppose a proposed 17% increase in stormwater fees that have been proposed for adoption in the fall.

4. Subcommittee Reports

A. Public Information/Participation – The subcommittee met last week and discussed the successes of its school outreach program. The Banana Slug string band's presentations in front of 9,000 students have been well received. In addition, Rock Steady Science's presentations at over 10 schools reaching 700 students have been favorably received. BASMAA's regional ad campaign targeted at litter will have a first-year kick off budget of \$300,000, and this will be followed by \$100,000 per year subsequent budgets. There is an ongoing problem at some Home Depot stores of having the Our Water Our World integrated pest management display materials destroyed or thrown out.

B. Commercial/Industrial, and Illicit Discharge – This subcommittee developed some business inspector self training guidance and reporting material to help municipalities meet the municipal regional stormwater permit's requirements for annual training. A subcommittee work group is assisting Dermot Casey to develop a revised memorandum of understanding for the inspection services that County Environmental Health provides to 16 cities.

C. New Development – This subcommittee has not met since the last TAC meeting.

D. Municipal Maintenance Activities

a. Municipal Maintenance Subcommittee – The subcommittee met last month in Atherton, and the meeting was useful for maintenance staff to share information about maintenance and stormwater issues being encountered.

b. Trash Work Group – The trash work group has not met since the last TAC meeting.

c. Parks Maintenance and IPM Work Group – The work group met with Janet O'Hara earlier in the month. Some modifications to the Countywide Program's model IPM policy will be made to resolve concerns that she expressed.

5. PUBLIC COMMENTS - None.

6. NEXT MEETING

The next TAC meeting will be held on June 21 at the City of San Carlos.

7. ADJOURNED